

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Sep 08, 2022

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

OMAR LIZARRAGA-CEDANO,

Defendant.

No. 2:04-CR-00015-SAB

**ORDER DENYING
DEFENDANT'S MOTION FOR
COMPASSIONATE RELEASE**

Before the Court is Defendant's Motion for Sentence Reduction Under 18 U.S.C. § 3582(c)(1)(A) (Compassionate Release Under Extraordinary and Compelling Circumstances). ECF No. 298. Defendant is proceeding *pro se*.

On April 20, 2021, the Court denied Defendant's Motion for Compassionate Release. ECF No. 296. In that motion, Defendant argued that he was entitled to a reduction of his sentence because of his risk of catching COVID-19 in prison, and his rehabilitation. In the current motion, Defendant acknowledges that he has minimal medical issues. Rather, he asks the Court to reduce his sentence because of his rehabilitation efforts; he has already served a significant portion of his sentence; his underlying crime was non-violent; he has minimal criminal history; he has no intentional major incidents while incarcerated; and his age puts him at a zero risk for recidivism. He states he has a reentry plan and will be employed immediately upon release, although no documentation verifying these assertions was provided to the Court.

**ORDER DENYING DEFENDANT'S MOTION FOR COMPASSIONATE
RELEASE ~ 1**

1 For the same reasons set forth in its prior Order, the Court finds that
2 Defendant has not identified or proved extraordinary and compelling reasons
3 warranting a sentence reduction or release. While Defendant has participated in
4 several educational programs during his time in BOP custody, he also faced
5 discipline several times, including for physical fights and weapons possession. The
6 Court finds that simply serving a significant portion of your sentence and attending
7 educational classes, without more, does not meet the extraordinary and compelling
8 reasons requirement.

9 Additionally, the 18 U.S.C. § 3553(a) factors counsel against release.
10 Defendant was a leader of a drug trafficking organization operating out of the Tri-
11 cities Washington area with distribution into Spokane, Northern Idaho, Montana
12 and elsewhere that was responsible for pound-quantity trafficking of
13 methamphetamine and cocaine. Defendant has been deported from the United
14 States on four occasions prior to his arrest. The nature and circumstances of the
15 underlying offense, as well as Defendant's history and characteristics do not
16 support his position that he is a good candidate for release or sentence reduction.

17 Defendant has not shown that anything has significantly changed since he
18 filed his February 2021 motion, other than he has served an additional year of his
19 sentence. Because Defendant has not shown that he meets the criteria for sentence
20 reduction or release set forth in 18 U.S.C. § 3582(c)(1)(A), his motion is denied.

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**ORDER DENYING DEFENDANT'S MOTION FOR COMPASSIONATE
RELEASE ~ 2**

1 Accordingly, **IT IS HEREBY ORDERED:**

2 1. Defendant's Motion for Sentence Reduction under 18 U.S.C. §
3 3582(c)(1)(A), ECF No. 298, is **DENIED**.

4 **IT IS SO ORDERED.** The Clerk of Court is directed to enter this Order,
5 forward copies to Defendant, and close the file.

6 **DATED** this 8th day of September 2022.



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12 Stanley A. Bastian
13 Chief United States District Judge
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